



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: RUSSELL W. TEUBNER
SERIAL NO.: 10/051,247
FILED: January 18, 2002
TITLE: SYSTEM, METHOD AND
APPARATUS TO ALLOW
COMMUNICATION BETWEEN
CICS AND NON-CICS
SOFTWARE APPLICATIONS
ART UNIT: 2152
EXAMINER: NOT YET ASSIGNED

RECEIVED

APR 27 2004

Technology Center 2100

**DECLARATION IN SUPPORT OF PETITION
TO MAKE SPECIAL UNDER RULE 102(d)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Sanford E. Warren, Jr., declare as follows:

- (1) I am an attorney of record in the above-indicated application. Attached is a Power of Attorney signed by Applicant.
- (2) There is an infringing device or product actually on the market or method in use.
- (3) This utility application was filed on January 18, 2002. The present application has not received any examination or other action.
- (4) In PCT/US02/01351, a search was conducted by the European Patent Office and the following references were uncovered.

AGARWAL, et al; Reengineering Legacy System Using Web; 2000 IEEE; 0-7695-0792-1/00

ESTES, Don; Second Generation Legacy to Web Strategies VIA, XML, Part 1 – Business Strategic Issues; Forecross Corporation; 2000/ XP-002247124

I have reviewed each of these references carefully and have concluded that the claims would not be anticipated or be obvious over any of said references taken either singly or in any valid combination.

I am not aware of any other pertinent prior art and, therefore, I believe that I have a good knowledge of the prior art.

(5) A rigid comparison of the infringing device, or method of the claims of the application has been made and that in my opinion some of the claims are unquestionably infringed.

(6) I have made or cause to be made a careful and thorough search of the prior art and have a good knowledge of the pertinent prior art.

(7) Based on the foregoing, I believe this declaration meets the requirements of MPEP §708.2 II.

(8) A copy of each of the references deemed most closely related to the subject matter encompassed by the claims are included herein for purposes of reference.

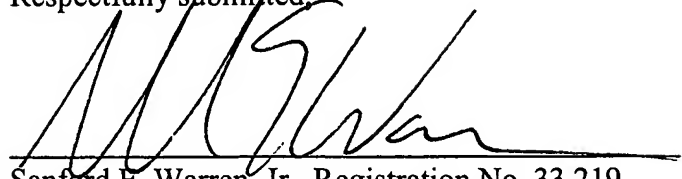
I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such false statements may jeopardize the validity of this document and of the patent application to which it relates.

ATTORNEY DOCKET NO.
42592-P001US

PATENT
S/N 10/051,247

Signed in Dallas Texas, this 19 day of April, 2004.

Respectfully submitted,



Sanford E. Warren, Jr., Registration No. 33,219
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Dallas, Texas 75201
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ATTORNEYS FOR APPLICANT

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42592-P001US 04/15/2004